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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,920	11/21/2003	Paolo Capano	82062-0073	7565

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EXAMINER

FEGGINS, KRISTAL J

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,920

Applicant(s)

CAPANO, PAOLO

Examiner

K. Feggins

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 21-30 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 8, 9, 12-13, 14/1-2, 14/6, 14/8, 14/9, 14/12, 14/13, 15 & 17 is/are rejected.
- 7) ☐ Claim(s) 3-5, 7, 10, 11, 14/3-5, 14/7, 14/10, 14/11, 16, 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. MI2003A001153 dated 11/21/003.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 8, 9, 12, 13, 14/1, 14/2, 14/6, 14/8, 14/9, 14/12, 14/13, 15 & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (US 6,345,888 B1).

Matsumoto et al. disclose the following claimed limitations:

* regarding claim 1, an ink feed system for ink-jet printers (Abstract, fig 21);

* a reservoir chamber/ink accommodating portion, 53/ (fig 1b, item 50);

* a feed chamber/negative pressure producing chamber, 10/ (fig 1b), fluidly connected to printing heads/60/ of said printer and to said reservoir chamber/50/, said reservoir chamber, in a configuration for normal feeding of the ink to said heads, being disposed higher than said feed chamber (fig 1b);

* said system further providing a duct/air-liquid exchange passage, 14/ provided with an opening to the atmosphere and with a first port for fluid connection to the feed chamber/the opening to the left of the port/, said feed system being wherein said duct is further provided with a second port/the

Art Unit: 2861

opening to the right of the port/ for fluid connection to the reservoir chamber, said reservoir chamber being otherwise impermeable to fluids (figs 1b).

* regarding claim 2, suitable for assuming a first configuration for normal feeding of the ink and a second configuration for pouring topping-up ink into said reservoir chamber (the air-liquid passage exchange provides the flow of air and ink; ink can flow from the port to the ink accommodating/reservoir chamber).

* regarding claim 6, wherein, in said second configuration, the topping-up ink flows through said duct/14/ and said second port /either hole to the right or left of the port/ (fig 1b).

* regarding claim 8, wherein said reservoir chamber, said feed chamber and said duct are contained in a single substantially rigid case (figs 15-17 & 21).

* regarding claim 9, wherein said case is a cylindrical case (figs 15-17 & 21).

* regarding claim 12, wherein, in said second configuration, said feed chamber/10/ provides a reserve chamber separate from a topping-up path by which topping-up ink flows into said reservoir chamber (fig 1b).

Art Unit: 2861

* regarding claim 13, wherein said topping-up path for the ink comprises said duct/14, air-liquid exchange passage/ and said second port/either hole to the right or left of the port/ (fig 1b).

* regarding claim 14/1, 14/2, 14/6, 14/8, 14/9, 14/12, 14/13,, an apparatus for feeding ink to ink-jet printers, comprising one or more feed systems/each of the ink cartridges/ (Abstract, figs 16a, 21).

* regarding claim 15, support means suitable for supporting said feed system at a predetermined level with respect to a reference plane (fig 21, the carriage provides support means for supporting the feed system at a predetermined level; also, the predetermined level is parallel to the medium to which it is printing upon).

* regarding claim 17, a method for pouring ink into a gravity ink feed system for ink-jet printers; system comprising a reservoir chamber/50/ and a feed chamber/10/ (Abstract, fig 1b);

* said method comprising, in order, the step of separating said feed chamber/10/ from a topping-up path through which topping-up ink is then introduced into said reservoir chamber/50/; the step of pouring said topping-up ink into said feed system/10/ (the port, 14, is an air-liquid exchange passage, air-liquid can enter into the ink accommodating/reservoir chamber and then the negative pressure producing material/feeding chamber.

Allowable Subject Matter

3. Claims allowed 21-30.
4. Claims 3-5, 7, 10, 11, 14/3-5, 14/7, 14/10, 14/11, 16 & 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sato et al. (5,801,737) disclose an ink container with an internal air pressure adjustment. Nagasaki et al. (6036305) discloses an ink cartridge with residual ink retaining structure. Machler (6,074,049) disclose an ink cartridge for a printing head of an inkjet printer. Taylor et al. (6,367,919 B1) disclose an ink container having an ink lever gauge.


Art Unit: 2861

Communication With The USPTO

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 571-272-2254. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talbott Dave can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 8/05
K. FEGGINS
PRIMARY EXAMINER